

ATTORNEY DOCKET NO.: DIVER1260-3

DECLARATION FOR PATENT APPLICATION

As a below-named inventor(s), I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PROTEIN ACTIVITY SCREENING OF CLONES HAVING DNA FROM UNCULTIVATED MICROORGANISMS**, the specification of which:

_____ is attached hereto.

X was filed on October 19, 1999 as U.S. Application Serial No. 09/421,629 (the "Application") (Docket No. DIVER1260-3).

I hereby authorize and request insertion of the application serial number of the Application when officially known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International

application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

| | | |
|---|----------------------------------|--|
| <u>08/988,224</u> (Application Serial No.) | <u>12/10/97</u> (Filing Date) | <u>Pending</u> (Status) (patented, pending, abandoned) |
| <u>08/657,409</u> (Application Serial No.) | <u>06/03/96</u> (Filing Date) | <u>Issued (5,958,672)</u> (Status) (patented, pending, abandoned) |
| <u>08/568,994</u> (Application Serial No.) | <u>12/07/95</u> (Filing Date) | <u>Abandoned</u> (Status) (patented, pending, abandoned) |
| <u>08/503,606</u> (Application Serial No.) | <u>07/18/95</u> (Filing Date) | <u>Issued (U.S. 6,004,788)</u> (Status) (patented, pending, abandoned) |
| <u>09/098,789</u> (Application Serial No.) | <u>06/03/98</u> (Filing Date) | <u>Pending</u> (Status) (patented, pending, abandoned) |
| <u>09/034,724</u> (Application Serial No.) | <u>03/04/98</u> (Filing Date) | <u>Issued (U.S. 6,001,574)</u> (Status) (patented, pending, abandoned) |
| <u>08/665,565</u> (Application Serial No.) | <u>06/18/96</u> (Filing Date) | <u>Issued (U.S. 5,763,239)</u> (Status) (patented, pending, abandoned) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Jay M. Short

Inventor's signature: _____

Date: _____

Residence: Rancho Santa Fe, California

Citizenship: United States

Post Office Address: 6801 Paseo Delicias
Box 7214
Rancho Santa Fe, CA 92067-7214